

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CARRIE M. LEO,

Plaintiff,

Case # 20-CV-7039-FPG

v.

DECISION AND ORDER

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION, et al.,
Defendants.

Pro se Plaintiff Carrie M. Leo brings this case pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) against the New York State Department of Environmental Conservation (“DEC”), DEC Commissioner Basil Seggos, DEC Director of Special Licenses Unit Joe Therrien, DEC Lieutenant William Powell (collectively, the “State Defendants”), the United States Department of Agriculture (“USDA”), Secretary of the USDA Sonny Perdue, and USDA Animal Inspector Andrea D’Ambrosio (collectively, the Federal Defendants”). ECF No. 1. On December 29, 2020, the Court granted Leo’s motion to proceed *in forma pauperis* and ordered that the United States Marshals Service serve the summons and complaint on Defendants. ECF No. 5.

The summonses were issued and the U.S. Marshals Service endeavored to serve Defendants. The State Defendants were served, ECF No. 9, and they filed a motion to dismiss, ECF No. 13. However, it is unclear whether the Federal Defendants were served properly. Leo updated the addresses for the Federal Defendants in a letter dated February 1, 2021, ECF No. 11, and the Court ordered that the summonses be reissued to the Federal Defendants in accordance with the updated addresses, ECF No. 12. The Clerk’s Office reissued the summonses and forwarded the service packets to the U.S. Marshals Service. Yet it remains unclear whether the Federal Defendants were ever served at the updated addresses. Accordingly, Leo filed a motion

for the U.S. Marshals Service to serve the Federal Defendants again. ECF No. 16. Leo's motion for service is GRANTED.

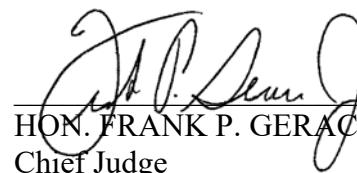
The Clerk of the Court is directed to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the Federal Defendants—the USDA, the Secretary of the USDA, and Animal Inspector Andrea D'Ambrosio—without Leo's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in Leo's favor. Service is to be made in accordance with the applicable rules set forth in the Federal Rules of Civil Procedure.

Further, to ensure that there is no possibility of confusion with respect to service, it is hereby directed that, in addition to the U.S. Marshal service directed above, the Clerk of the Court is also directed to send copies of the Summons, Complaint, and this Order by certified mail to the following, pursuant to Rule 4(i) of the Federal Rules of Civil Procedure:

- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, D.C. 20530;
- Civil Process Clerk, United States Attorney for the Western District of New York, United States Attorney's Office, USAO/WDNY, 138 Delaware Avenue, Buffalo, N.Y. 14202; and
- The United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250.

IT IS SO ORDERED.

Dated: April 8, 2021
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court